



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

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October 24, 1996

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FCC MAIL ROOM

Office of the Secretary
Federal Communications Commission
1919 M Street, Room 222
Washington, D.C. 20554

RE: *In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102

Dear Commission Secretary:

Enclosed are an original and fifteen (15) copies of Further Reply Comments filed by this office on behalf of the Texas Advisory Commission on State Emergency Communications ("TX-ACSEC"). Please distribute the filing as appropriate, and file mark the extra copy and return it in the enclosed self-addressed, stamped envelope.

Thank you for your attention in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Muscat".

Richard A. Muscat
Assistant Attorney General
State Bar No. 14741550
Counsel for TX-ACSEC

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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In the Matter of

**Revision of the Commission's
Rules to Ensure Compatibility
with Enhanced 911 Emergency
Calling Systems**

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**CC Docket No. 94-102
RM-8143**

To: The Commission

**FURTHER REPLY COMMENTS OF THE TEXAS ADVISORY COMMISSION
ON STATE EMERGENCY COMMUNICATIONS**

**NOW COMES THE TEXAS ADVISORY COMMISSION ON STATE
EMERGENCY COMMUNICATIONS (TX-ACSEC), by and through the Office of the
Attorney General of Texas, and submits these FURTHER REPLY COMMENTS in response
to the Commission's Further Notice of Proposed Rulemaking (FNPRM) (July 26, 1996) in
CC Docket No. 94-102.**

I.

**THE COMMISSION SHOULD NOT MODIFY
PHASE TWO IMPLEMENTATION.**

Some initial comments to the further notice suggest that the Commission now modify technical and/or economic parameters related to Phase Two implementation.¹ TX-ACSEC respectfully requests that the Commission reject modifying Phase Two implementation. For

¹ See, e.g., Comments of Southwestern Bell Mobile Systems, Inc. on the Further Notice of Proposed Rulemaking at p. 5 ("SBMS questions the source information the Commission relied upon to determine that the JEM [Joint Experts Meeting] goals are technically feasible in five years"); Comments of the Mobile and Personal Communications Division of the Telecommunications Industry Association (TIA) at p. 1 ("TIA does not believe regulatory mandates are appropriate where fundamental technology development limitations may preclude compliance").

well over one year, TX-ACSEC has been actively involved in a Wireless Integration Project (WIP) that will be completed at the end of 1996. The WIP report will include an economic model and technical deployment analysis for each level of wireless 9-1-1 service. TX-ACSEC will submit the WIP report as an ex parte filing in this proceeding as soon as it is completed in the first quarter of 1997. The WIP report may show that modifying Phase Two implementation is unwarranted. Adopting the requested modifications is not supported by the arguments and data currently submitted. Further, the Commission will soon receive more complete information and analysis to determine whether its current decision on Phase Two implementation should be modified. TX-ACSEC respectfully requests the Commission reject considering any modifications to Phase Two implementation based on the arguments and data currently submitted.

II.

MANDATING PSAP ACCEPTANCE OF 9-1-1 CALLS FROM NON-SERVICE INITIALIZED WIRELESS PHONES IS A DECISION BEST LEFT TO STATE LEGISLATURES.

TX-ACSEC recognizes that the issue of PSAPs accepting 9-1-1 calls from non-service initialized wireless phones is an issue that divides the 9-1-1 community in the United States. As the New Jersey Office of Emergency Telecommunications Services (NJ-OETS) points out, the interests of a law enforcement officer who might be exposed to increased risk because of non-service initialized wireless phone is a serious issue that deserves the Commission's utmost attention and consideration.² On the other hand, the interests of a

² See, Comments of NJ-OETS at p. 2 ("A Police Officer was killed in North Jersey responding to such a call").

person with a non-service initialized wireless phone in need of emergency assistance is also a concern for some in the 9-1-1 community.³ Balancing these potentially conflicting interests is a most difficult decision. Ideally, the best solution is to avoid any conflict between the two interests. The record in this proceeding, however, shows conflict between the two interests at this point in time. Therefore, TX-ACSEC submits that mandating PSAP acceptance of non-service initialized 9-1-1 calls is a decision best left to individual state legislatures.

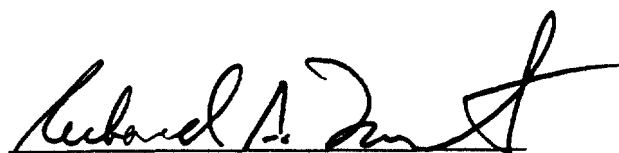
Respectfully submitted,

DAN MORALES
Attorney General of Texas

JORGE VEGA
First Assistant Attorney General

THOMAS P. PERKINS JR.
Chief, Consumer Protection Division

RUPACO T. GONZÁLEZ JR.
Chief, Public Agency Representation Section
Assistant Attorney General
State Bar No. 08131690

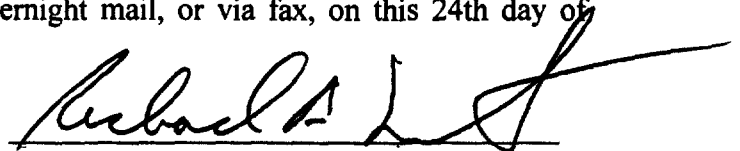


RICHARD A. MUSCAT
Assistant Attorney General
State Bar No. 14741550
Public Agency Representation Section
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Voice: (512) 475-4169
Fax: (512) 322-9114

³ See, Comments of the Ad Hoc Alliance for Public Access to 9-1-1 Concerning the Further Notice of Proposed Rulemaking at p. 9 ("The Alliance believes that *all* 911 calls should be passed to the PSAP").

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon all required parties, by prepaid United States mail, overnight mail, or via fax, on this 24th day of October, 1996.


RICHARD A. MUSCAT

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